

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Fernando Cuervo et al.
	:	
For	:	MECHANISM TO ALLOW DYNAMIC
	:	TRUSTED ASSOCIATION
	:	BETWEEN PIP PARTITIONS AND
	:	PDPS
	:	
Serial No.	:	10/639,677
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Filed	:	August 13, 2003
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Art Unit	:	2442
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Examiner	:	Oleg Survillo
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Att. Docket	:	ALC 3414
	:	
Confirmation No.	:	6127

PRE-APPEAL BRIEF REQUEST FOR REVIEW

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Commissioner for Patents
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Sir:

This Pre-Appeal Brief Request for Review is in response to the Office Action dated November 25, 2009, and further to the Notice of Appeal filed concurrently herewith. Applicant hereby requests review of the rejections in the above-identified application in view of the concurrently-filed Notice of Appeal. Claims 1, 2, 6, 8, 9, 11-13, and 17-20 are pending in the present application, of which claims 1, 9, 19, and 20 are independent.

On pages 5-9, the Office Action rejects claims 1, 6, and 9 under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 6,714,515 to Marchand (hereinafter "Marchand"). On pages 9-14, the Office Action rejects claims 2, 11-13, and 17-20 under 35 U.S.C. § 103(a) as allegedly unpatentable over Marchand in view of U.S. Patent No. 7,246,165 to Williams et al (hereinafter "Williams"). On page 15, the Office Action rejects claim 8 under 35 U.S.C. § 103(a) as allegedly unpatentable over Marchand in view of RFC-3084 to Chan (hereinafter "Chan"). Applicant respectfully submits that the Office Action is in error and requests review and withdrawal of the rejections.

First, claim 1 recites, in part, the following subject matter: "said first NRC acts as a trusted entity that initiates a dynamic, trusted, policy association between said first PEP and said first PDP" (emphasis added). Similar subject matter appears in independent claim 9. Applicant respectfully submits that the references of record, alone or in combination, fail to disclose, suggest, or teach this subject matter.

On page 4, the Office Action alleges that this language "does not, without more, further define the claimed subject matter." In particular, the Office Action declares that this recitation is "interpreted as a typical association between entities, as known in the art." Applicant respectfully submits that the specification defines these terms, for example, in paragraph [0027], as involving separation of the management of policies from the management of policy enabled resources. Thus, contrary to the Office Action, this language does further define the subject matter.

In rejecting the subject matter currently recited in claims 1 and 9, page 7 of the Office Action cites lines 7-21 of col. 4 and Figure 3 in Marchand. The Office Action fails to identify a first PEP in Fig. 3, instead relying upon the PEP in Fig. 1 that is not shown in Fig. 3. Even if one were to assume that a PEP might be linked to the block diagram of Fig. 3, an NRC would not initiate association of a PEP with

a PDP. Thus, the Office Action does not show the recited association between the recited first PEP and first PDP in Marchand.

Moreover, Applicant respectfully submits that such an association would not occur because Marchand clearly lacks a NRC. Although the Office Action alleges that an intra-domain interface [Fig. 3: 37] functions as a PDP, this allegation contradicts line 18 of col. 5 in Marchand, where the BB [Fig. 1: 12] functions as a PDP. This contradiction illustrates the clear error on page 4 of the Office Action, where the BB is misidentified as the NRC. Instead, it should be listed as the PDP, further demonstrating the flawed nature of this rejection.

Second, independent claim 1 recites, in part, the following subject matter: “when said first NRC requires resources from a second domain outside the first domain, said first NRC signals a request to a second NRC in said second domain” (emphasis added). Similar subject matter appears in independent claim 9. Applicant respectfully submits that the references of record, alone or in combination, fail to disclose, suggest, or teach this subject matter.

Marchand lacks a first NRC because Marchand's BB functions as a PDP, instead of as an NRC. Marchand also lacks a second NRC because other BBs would also act as PDPs. In addition, such communication between PDPs would resemble Fig. 1 of the prior art in the present application, not the claimed use of inter-domain resource requests between a first NRC in domain A and a second NRC in domain B, as depicted in Fig. 2.

On page 4, the Office Action alleges that “there is no requirement for the NRC and the PDP to reside within separate physical entities.” Applicant respectfully submits that the Office Action is again ignoring the claimed subject matter, assuming that it is no different from the “prior art” depicted in Figure 1. In particular, the Office Action has refused to recognize that the NRC has any distinction from the PDP.

On page 5, the Office Action alleges that "at least the claimed PDP and PEP are logical entities." The Office Action further alleges that "no structural connections between the NRC, PEP, and PEP can exist, absent the specificity as to which physical devices acts [sic] as a PDP and a PEP." Applicant respectfully submits that these allegations reflect the general pattern of the Office Action in ignoring the recited subject matter.

Third, independent claim 19 recites, in part, the following subject matter: "a virtual first policy enforcement point (PEP) residing on a network element of the communications network that is created upon requesting the particular service, said virtual PEP identifying policy-enabled resources that are available and allocating requested policy-enabled resources to the particular service" (emphasis added). Similar subject matter appears in independent claim 20. Applicant respectfully submits that the references of record, alone or in combination, fail to disclose, suggest, or teach this subject matter.

On page 13, the Office Action correctly concedes that Marchand does not show this subject matter. The Office Action then attempts to remedy this admitted deficiency by applying the teachings of Williams. In particular, the Office Action alleges that the virtual GGSN of Williams is equivalent to the recited virtual PEP.

In response, Applicant respectfully submits that Williams provides for a GGSN [Fig. 8: 20] consisting of a number of virtual GGSN nodes [Fig. 8: 20] that is coupled to a PCF [Fig. 8: 21]. Thus, Williams only provides for reception of SBLP policies from the PCF for an allocated IP address. See lines 18-20 of col. 7. Williams does not disclose a virtual PEP that identifies policy-enabled resources and then allocates requested policy enabled resources to a particular service.

These separate functions clearly are not present in Williams. The GGSN is only coupled to the PCF. In contrast, Fig. 3 of this application clearly depicts both resource discovery (NRC<--> PEP) and policy provisioning (PDP <--> PEP).

Accordingly, Applicant respectfully submits that Williams clearly does not remedy the admitted deficiencies of Marchand.

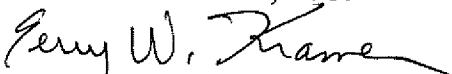
For the reasons detailed above, Applicant respectfully submits that independent claims 1, 9, 19, and 20 are allowable over the references of record. Claims 2, 6, and 8 depend from claim 1. Claims 11-13, 17, and 18 depend from claim 9. Accordingly, claims 2, 6, 8, 11-13, 17, and 18 are also allowable at least due to their respective dependencies from allowable claims. Therefore, Applicant respectfully requests withdrawal of the rejection of claims 1, 2, 6, 8, 9, 11-13, and 17-20 under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a).

In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

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Respectfully submitted,
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